



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 736

PARKS AND RECREATION DEPARTMENT

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FILING CAPTION: UAS rules on Oregon state parks property

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RULE SUMMARY: Outlines rules for UAS use in parks

CHANGES TO RULE:

736-010-0040

Visitor Conduct ¶¶

(1) Violations to this rule are a Class D violation, unless otherwise specified below or park resources are damaged resulting in a Class A violation.-Peace officers may cite for criminal trespass in the second degree, a Class C misdemeanor, under ORS 164.245.¶¶

(2) A person shall cause, build, maintain, or accelerate a fire at a park property only in:¶¶

(a) Park camp stoves or fireplaces provided for such purpose;¶¶

(b) Portions of beach areas designated as permissible for campfires; or¶¶

(c) Portable gas or charcoal stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.¶¶

(3) A person who has caused, built, maintained or accelerated an allowed fire shall:¶¶

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;¶¶

(b) Burn wood no longer than 24 inches in length;¶¶

- (c) Build fires no larger than two feet by two feet by two feet in dimension. A person may apply for a special use permit under division 16 for larger fires.¶
- (d) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;¶
- (e) Use no gasoline, diesel or any other petroleum-based products outside of camp stoves to start or maintain a fire; and¶
- (f) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.¶
- (4) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions. Failure to follow restrictions is a Class A violation.¶
- (5) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.¶
- (6) When available, a person must stay on designated trails and may not damage park resources by going off trails or creating unauthorized trails.¶
- (7) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, animals, animal parts, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:¶
 - (a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;¶
 - (b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.¶
- (8) Offensive littering or leaving materials near waterways will be cited as a Class C misdemeanor, ORS 164.805.¶
- (9) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.¶
- (10) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.¶
- (11) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:¶
 - (a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors or wildlife except as allowed in section (12) below;¶
 - (b) Using a public address system or similar device without written permission of the park manager;¶
 - (c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee: punishable as a Class A violation;¶
 - (d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;¶
 - (e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;¶
 - (f) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;¶
 - (g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;¶
 - (h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;¶
 - (i) Harassing, fighting, intimidating; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the personal safety of any person at the park property;¶
 - (j) Using tobacco products except:¶
 - (A) In motor vehicles and personal camping units where allowed in accordance with all applicable laws governing smoking in vehicles;¶
 - (B) In designated campsites in developed overnight camping areas, unless temporarily suspended by the park manager due to high fire hazard conditions;¶
 - (C) In day use areas managed as Safety Rest Areas through agreements with the Oregon Department of Transportation; and¶
 - (D) For personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices;¶

- (k) Activities or conduct which constitutes a public nuisance or hazard;¶
- (l) Public indecency;¶
- (m) Take-off or landing base-jumping, hang gliding, paragliding or similar activities without a special use permit;¶
- (n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(11); punishable as a Class A violation;¶
- (o) Placing a sign, memorial, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;¶
- (12) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.¶
- (13) A person may only operate an unmanned aircraft system from park property wholly within a UAS Operation Area designated under subsection (b). The person must comply with all conditions set by the department, including any UAS Pass requirements under subsection (e).¶
- (a) A person must operate an unmanned aircraft system in compliance with applicable federal aviation laws and regulations and in a manner that is reasonable and prudent relative to terrain, prevailing conditions, equipment, personal capabilities, and the safety of all park users and wildlife. Harassment of wildlife is prohibited under OAR/736-010-0055.¶
- (b) The director or designee may designate, modify, suspend, or rescind a UAS Operation Area on a temporary or long-term basis based on visitor safety, resource protection, user conflict, seasonal conditions, operational constraints, or other management objectives. The department will document the basis for any designation, modification, suspension, or rescission.¶
- (c) UAS Operation Area designations may cover an entire park property or any section of a property and may be year-round or limited by season, time of day, or other conditions.¶
- (d) The department will publish a map of each UAS Operation Area and its conditions on its website at least 30 days before the designation becomes effective, except when immediate action is required in an emergency. UAS operation areas may also be identified through signage or other public communication methods.¶
- (e) The department may require a UAS Pass as a condition of using a UAS Operation Area based on seasonal resource sensitivity, high visitation, user conflict, or operational capacity. The department may limit the number of UAS passes allowed per day or impose other use limits. Failure to obtain or comply with a required UAS Pass may result in enforcement action up to and including a Class A violation.¶
- (f) The following areas remain closed to UAS operations and may not be designated as UAS Operation Areas:¶
- (A) Overnight facilities as defined in OAR/736-010-0015(27);¶
- (B) Within a half mile of a boundary to federally or state protected areas explicitly prohibiting UAS takeoff and landing, unless with permission from the adjacent land manager; and¶
- (C) Any area explicitly closed to unmanned aircraft systems by statute or other rule.¶
- (g) Public safety agencies, utility providers and other governmental entities acting within official duties may operate unmanned aircraft systems during emergencies without prior approval.¶
- (h) Public safety agencies and utility providers acting within their official capacity may operate an unmanned aircraft system for non-emergency purposes on park property, provided the agency or utility notifies OPRD in advance.¶
- (i) Operation of an unmanned aircraft system in violation of this section may result in enforcement action up to and including a Class A violation.¶
- (14) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:¶
- (a) Is an organized group activity or event attended by over 50 people, outside of a traditional park use as defined in OAR 736-016-0012(14);¶
- (b) Uses a portion of a park property to the exclusion of other persons or the department;¶
- (c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;¶
- (d) Uses public-address, amplification or lighting systems;¶
- (e) Charges money for participation or admission;¶
- (f) Involves the sale of products or services;¶
- (g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;¶
- (h) Could pose a safety or access concern for other park users or for those involved in the event or activity.¶
- (14)i) Involves the operation of an unmanned aircraft system from park property outside a designated UAS Operation Area as provided in section (13).¶
- (j) Involves the operation of an unmanned aircraft system for commercial or research purposes on any portion of

park property.

(15) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(156) All money or goods, having a value of \$250 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(167) A Park Manager may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class A violation or could be cited by peace officers with a Class C misdemeanor as provided in subsection (11)(f).

(178) A Park Manager may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class A violation or could be cited by peace officers with a Class C misdemeanor as provided in subsection (11)(f).

(189) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Statutory/Other Authority: OAR 390.124, 164.245, 164.805

Statutes/Other Implemented: ORS 390.111, 163.465, 433.835 - 433.875, 498.006